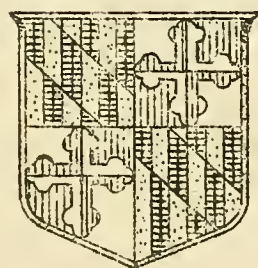







SOME  
PLANNING ACCOMPLISHMENTS  
of  
THE 1939 GENERAL ASSEMBLY OF MARYLAND



MARYLAND  
STATE PLANNING COMMISSION

JUNE 1939



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MARYLAND  
STATE PLANNING COMMISSION

Baltimore, Maryland

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Abel Wolman, Chairman

William L. Galvin

Nathan L. Smith

Helena Stauffer

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SOME  
PLANNING ACCOMPLISHMENTS  
OF  
THE 1939 GENERAL ASSEMBLY OF MARYLAND

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Francis D. Friedlein  
Executive Secretary

June 1939

APR 6 1940

Gift

## INTRODUCTORY STATEMENT

Such important measures in the field of planning were enacted by the General Assembly of Maryland of 1939 that it is appropriate to publish their pertinent provisions for the general information of the public.

The Act establishing the Maryland Coordinate System has unusual possibilities in promoting efficient and economical mapping in the State. The Acts relating to public financing, particularly with respect to requiring public sale of public securities in serial form, maturing within maximum terms corresponding to the probable life of the purpose for which they are issued, is a substantial step forward in bringing order out of chaos in the field of public finance. The enabling acts for local planning and zoning in the Baltimore-Washington-Annapolis Area provide essential governmental controls for the future orderly development of this growing metropolitan area. The Act establishing a Legislative Council enables appropriate formal legislative investigation and consideration during the long intervals between the biennial sessions of the General Assembly. The Act providing for the adoption of the interstate compact for the control of pollution in the Potomac River is a forward looking legislative measure in providing a cooperative governmental entity for approaching a problem of vital concern to several states, no one of which could conveniently solve the problem independently. The several other acts mentioned in the report relating to planning are notable steps forward in constructive public management.





The legislative endeavors of the State Planning Commission at the last session of the General Assembly were so successful in many directions that it would appear that the legislative representatives of the people of Maryland endorse the activities and policies of the Commission. Further endorsement is evidenced by the increase in the appropriation for the State Planning Commission in the State Budget from \$3,000 to \$10,000 per year for the next biennium, a practical indication of favorable attitude of the Chief Executive and of the Legislature of the State.

With these encouragements, the Commission is now making a careful analysis of its past activities in order to develop a program of appropriate action for the next several years.

Sincerely appreciated is the thorough cooperation of Governor O'Connor, members of the General Assembly, members of our subcommittees, and lay representatives too numerous to mention here, in obtaining the enactment of the several measures in which the State Planning Commission was particularly interested and which will do much to smooth public and private activities in the State of Maryland.

Abel Wolman, Chairman  
Maryland State Planning Commission



LETTER OF TRANSMITTAL

MARYLAND STATE PLANNING COMMISSION

June 17, 1939

Dr. Abel Wolman, Chairman  
Maryland State Planning Commission  
Baltimore, Maryland

Dear Dr. Wolman:

In compliance with your request, I am transmitting herewith a report on certain selected accomplishments of the 1939 General Assembly of Maryland in the field of planning, with special reference to the development of the Acts introduced at the request of, or in accord with previous recommendations of, the State Planning Commission.

This report should not be construed as a complete discussion of all Acts of a planning nature or having planning implications which were passed by the last General Assembly. It is rather an attempt to present in brief and convenient form a statement of the background, development, and provisions of the Acts growing out of our activities and of the pertinent provisions of certain other Acts in which we are concerned. The several Acts are grouped to facilitate understanding of those complimentary to each other and presented under separate parts according to the extent of our participation in the enactment.

In an effort to condense and simplify expression of the provisions of the respective statutes considerable freedom of language has been exercised. For specific knowledge of any of the provisions cited and of all of the other incidental provisions not mentioned, ..



reference should be made to the respective Acts.

All of the Acts introduced at the request of the State Planning Commission relating to mapping and public finance were enacted without amendment; further, the several local planning and zoning Acts affecting the Baltimore-Washington-Annapolis Area developed largely through our activities were also enacted. In fact, every measure in which we expressed favorable interest to the Governor and members of the General Assembly was enacted except Senate Bill No. 84 relating to state-wide roadside zoning. This bill developed by the Roadside Beautification Council of Maryland and introduced at their request was submitted to the State Planning Commission and its Subcommittees on Highways and on the Baltimore-Washington-Annapolis Area for consideration. All three groups adopted resolutions favoring the principles of the bill and these were forwarded to the Chairman of the Senate Committee on Judicial Proceedings before whom the bill was pending. However the bill was never reported out of Committee.

Not mentioned in this report, but nevertheless important for public consideration of the advisability of the policies established, are Chapters Nos. 431, 572, and 778 providing for State participation in the cost of draining a portion of the Pocomoke River Swamp.

Yours very truly,

Francis D. Friedlein  
Executive Secretary



SOME  
PLANNING ACCOMPLISHMENTS  
OF  
THE 1939 GENERAL ASSEMBLY OF MARYLAND

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THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY

REPORT OF THE COMMITTEE ON THE  
PROGRESS OF THE DEPARTMENT

FOR THE YEAR 1900-1901

PRESENTED TO THE BOARD OF TRUSTEES

1901

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## PART I

### ACTS INTRODUCED AT THE REQUEST OF THE STATE PLANNING COMMISSION

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#### MAPPING

Chapter 628 - Relating to The Maryland Coordinate System,  
Survey Stations, and Bureau of Control Surveys and Maps.

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This Act makes provision for three important aspects of proper mapping in the State, namely:

1. The legal establishment of a state-wide system of plane rectangular coordinates for describing the location of points on the surface of the earth in Maryland.
2. Access to survey stations in such system for both public and private engineering purposes and protection of such stations.
3. The establishment of a Bureau of Control Surveys and Maps in the State Department of Public Works to effect the Maryland Coordinate System and take over the operations of the Maryland Mapping Agency.

#### Background

On May 1, 1935, the Chairman of the State Planning Commission called a meeting of a large group of persons concerned with mapping and the use of maps of the State. The appreciation of the need for some centralization in this field was manifest in the enthusiastic attendance of nearly twenty persons at the meeting.



The increasing need for more complete and more accurate maps, for a reference library of maps of the State, for coordination of effort of the sixty or more organizations producing maps in the State, for uniformity in surveying and mapping, for preserving worth-while survey data, for tying surveys in to a common basic system, for legal protection and access to monumented survey stations, and other related matters were considered. It was concluded to endeavor to establish a temporary Maryland Mapping Agency under the guidance of a subcommittee of the State Planning Commission to accomplish such of the desirable objectives as were feasible on such a temporary basis.

With Professor S. S. Steinberg of the University of Maryland as Director, the operations of the Maryland Mapping Agency were inaugurated on February 15, 1936 with the assistance of the Works Progress Administration. Since that time nearly a thousand maps of the State and its political subdivision have been collected and carefully filed for reference, approximately twenty-three miles of local control surveys have been run, and the plane coordinates for many existing survey stations have been computed. The progress of the Agency is thoroughly described in its First Report of August 1936 and its Second Report of October 1937 published by the State Planning Commission. A third report bringing the record of progress up to date is now in preparation.

In the early days of the Agency's life, a substantial size staff was available but the early W.P.A. restriction removing all those not on direct relief, and the subsequent reduction in number of qualified persons available on the W.P.A. rolls for assignment in the vicinity of the College Park headquarters of the Agency, persistently reduced the Agency's



staff to the point where only the Engineer in Charge remained.

### Legislative Action

In consideration of this precarious status and the demonstrated value of the work already done, the Subcommittee determined at its meeting of December 20, 1938, to seek legislation for continuing the Agency's operations as a permanent part of the State Government. It was decided that such legislation should include:

1. Establishment of the "Maryland Coordinate System."
2. Authorization for access to and protection of survey stations in the System.
3. Establishment of a Bureau in the State Department of Public Works to effect the Coordinate System and to take over the work of the Maryland Mapping Agency.

These recommendations were soon reduced to bill form by Dean Steinberg and, after review by Dr. Wolman, Chairman of the State Planning Commission, and Dr. Flack of the Department of Legislative Reference, submitted to the members of the Subcommittee and the State Planning Commission for review and approval on March 3, 1939. The proposed bill was approved by the unanimous vote of the Subcommittee and by three of the four members of the State Planning Commission, one member not voting.

The proposed bill was then submitted to Governor O'Connor and later to Senator Brice and Speaker Conlon on March 15, 1939 for introduction in the Legislature. It was introduced by the Speaker in the House of Delegates on that date, designated House Bill 645, and referred to the





Committee on Ways and Means by whom it was later reported favorably without amendments. In due course it was passed by the House and the Senate, assigned Chapter No. 628, and finally enacted when signed by Governor O'Connor on May 11, 1939.

#### Accomplishments

The Act which became effective June 1, 1939 provides briefly as follows:

1. That the system of plane rectangular coordinates established by the United States Coast and Geodetic Survey, the precise basis of which is stated in the bill, shall be hereafter known as the Maryland Coordinate System and so designated in any land description in which it may be used. The coordinates in any point in such system shall be expressed by two distances in feet and decimals thereof; one to be known as the "x" coordinate giving the position in an east and west direction and the other to be known as the "y" coordinate giving the position in a north and south direction. Baltimore City and the coordinate system used by its Bureau of Plans and Surveys are excluded from the Act.
2. That any duly qualified engineer or surveyor may enter upon private land whereon there is a survey station, the position of which is known in terms of the Coordinate System, for engineering purposes either private or public. The Act provides the basis of determination and payment of any damages that may be sustained by property owners as a result of such entry. Damage to or prevention



of proper use of any such survey stations is made a misdemeanor punishable by fine or imprisonment or both.

3. That a Bureau of Control Surveys and Maps be established in the State Department of Public Works to administer the laws relating to the Maryland Coordinate System, to extend this System, and to take over the work of the Maryland Mapping Agency. The activities of this Bureau are to be determined by an Advisory Board consisting of the Chief Engineer of the State Roads Commission, the Chairman of the State Planning Commission, and the Dean of the College of Engineering of the University of Maryland, who shall serve without compensation except reimbursement for necessary travel expenses. In taking over the work of the Maryland Mapping Agency, the Act directs the Bureau of Control Surveys and Maps to endeavor to develop such work in accordance with the previously established objectives of the Agency, which are restated in the Act, including the coordination of mapping efforts, development of permanent survey records, development of uniform specifications for surveying and mapping, encouragement of use of the Maryland Coordinate System, and establishment of a reference library of maps.

The Advisory Board expects to meet at an early date to organize the new Bureau. Assuming that satisfactory arrangements can be made in this respect, the computation of plane coordinates for all survey stations whose positions are <sup>so</sup> determinable will be completed as rapidly as possible and the work of establishing additional stations so as to make the use



of the System more practicable will begin. It is believed that with a little more accuracy at perhaps little if any additional expense, the road surveys executed by the State Roads Commission in the ordinary performance of its duties will contribute materially to these extensions. Similarly, the survey work of other agencies can become contributions to the development of the System.

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### PUBLIC FINANCE

Chapter 630 -- Relating to Public Sale of Public Securities in Serial Form Limited to Certain Maximum Maturities.

Chapter 615 - Relating to Security for Public Sinking Fund Deposits.

Chapter 629 - Relating to Negotiability of Public Securities Payable from Special Funds.

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These acts provide the following regulations for important features of public financing:

1. That public securities other than those of the State and Baltimore City, which are otherwise similarly provided for, shall be issued in serial form, maturing within the specified period corresponding to the reasonable expected life of the project for which they are issued or within forty years for other public purposes, and be sold at public sale.



2. That public sinking fund deposits in excess of the amounts guaranteed by the Federal Deposit Insurance Corporation shall be adequately secured.

3. That public securities payable from special funds shall have all the attributes of negotiability possessed by general obligations of the issuer.

### Background

In a report to the State Planning Commission entitled "Certain Financial Aspects of Local Governments in Maryland" prepared by William Paul Walker in November 1934, it was recommended among other things that a schedule of the probable life of property or improvements acquired through public bond issues should be set up within which such bonds should be retired, that better bookkeeping systems be introduced in local governmental offices where present systems are found to be inadequate and obsolete, and that the fiscal years of all governmental units be made to conform to the fullest possible extent.

For consideration of the above recommendations particularly, the Chairman of the State Planning Commission appointed a Subcommittee on Uniform Accounting under the chairmanship of Mr. Walter N. Kirkman and composed of both public and private financial officials concerned. This Subcommittee met and organized on July 11, 1938 at which meeting the Subcommittee determined to divide itself into three special committees for the purpose of detailed consideration of (1) uniform accounting systems, (2) maximum terms and sinking fund requirements for public works bond issues, and (3) conforming fiscal years.

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### Legislative Action

The resulting recommendations arrived at by the end of the year relating to uniform accounting and conforming fiscal years did not involve any proposed legislation. However, the Special Committee on Maximum Terms and Sinking Fund Requirements for Public Works Bond Issues, after careful study of standard depreciation schedules and the maximum allowable terms of public works bonds in other states, recommended a schedule of maximum allowable terms for public works bond issues for Maryland and that such bonds be issued in serial form.

Through the courtesy of the Municipal Securities Committee of the Southeastern Group of the Investment Bankers Association of America in providing expert draftsmanship, these recommendations and the public sale requirement were put into bill form. This committee in submitting the proposed bill also submitted to the State Planning Commission proposed bills relating to public sinking fund deposit security and negotiability of public bonds payable from special funds, as recommended measures of statewide importance in strengthening the credit of public agencies in the State.

The bill relating to public sale, serial form, and maximum terms of public securities was submitted to the Subcommittee on Uniform Accounting on March 13, 1939 and approved by a large majority. All three bills were submitted to the State Planning Commission and approved by three of the four members of the Commission.

The three bills were then submitted to Governor O'Connor, Senator Brice, and Speaker Conlon on March 17, 1939 for introduction in



the Legislature. They were introduced by the Speaker in the House of Delegates on March 20, designated House Bills 702, 700, and 701 respectively, and referred to the Committee on Ways and Means by whom they were later reported favorably without amendments. In due course they were passed by the House and Senate and assigned Chapter Numbers and finally enacted when signed by Governor O'Connor as follows:

<u>Bill No.</u>	<u>Chapter No.</u>	<u>Signed by Governor O'Connor</u>
H.B. 702	630	May 24, 1939
H.B. 700	615	May 27, 1939
H.B. 701	629	May 27, 1939

All of the Acts became effective June 1, 1939.

#### Accomplishments

These acts provide briefly as follows:

#### Chapter 630

1. That, with certain minor exceptions, securities issued by public agencies of the State other than the State, Baltimore City, and certain Housing Authorities, shall be offered at public sale after due advertisement and sold to the highest bidder with the reservation that they may be thereafter sold through private sale within 30 days at a price not less than the highest bid.
2. Except as specifically authorized otherwise, public securities shall be issued in serial form and be completely matured within the periods stated in the following schedule of maximum terms according to the public purpose for which they are issued and otherwise be matured within 40 years from the date of issue:



<u>Purpose of Issue</u>	<u>Maximum Limit Upon Maturity of Issue, Years</u>
Bridges	30
Electric Light and Power Systems	25
Gas Systems	25
Grade Crossing Eliminations	25
Harbor Improvements	25
Highway Construction	20
Land Acquired for Permanent Improvements	40
Paving Existing Highways or Streets	10
School Construction	25
Sewerage Installation	40
Water Systems	40
All Other Permanent Structures of Durable Materials	25

#### Chapter 615

That financial officers of governmental agencies possessing uninvested public sinking funds shall deposit the same in some safe Maryland institution and demand therefrom adequate security for such portion of said deposits as is not covered by the Federal Deposit Insurance Corporation guarantee, consisting of securities suitable for sinking fund investment or adequate surety bond.

#### Chapter 629

That securities issued by public agencies payable from the proceeds of special assessments, tolls, rents, special taxes, or limited source of revenue, or from special funds, or from limited tax rates, shall possess all the attributes of negotiability as are ordinarily possessed by securities issued upon the full faith and credit of the issuer.



## PART II

### ACTS INTRODUCED BY OTHERS IN ACCORD WITH PREVIOUS RECOMMENDATIONS OF THE STATE PLANNING COMMISSION

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#### PLANNING AND ZONING IN THE BALTIMORE-WASHINGTON-ANNAPOLIS AREA

Chapter 714 - Relating to Planning and Zoning in the Maryland-Washington Regional District in Montgomery and Prince George's Counties.

Chapter 633 - Relating to Planning and Zoning in the Anne Arundel County District.

Chapter 715 - Relating to Zoning in the Baltimore County Metropolitan District.

Chapter 517 - Relating to Approval of Line and Grade of Roads and Water and Sewer Lines in the Baltimore County Metropolitan District.

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These acts provide for the application of planning and zoning and other land use controls in varying degrees of intensity in several portions of the Baltimore-Washington-Annapolis Area comprising a substantial part of the entire area. They involve the extension of existing districts and establishment of new ones and the establishment of new administrative bodies in existing and new districts for the purpose of planning and zoning. The provisions of the several acts as to organization, financing, and degree of control provided are different for each district accordingly as appeared desirable from the local viewpoint in each case. However, they will all point





toward a common objective and it is therefore appropriate that they be discussed jointly.

### Background

In the report entitled "Regional Planning, Part IV, Baltimore-Washington-Annapolis Area" published by the Maryland State Planning Commission in November 1937, it was recommended among other things that State legislation creating or extending the jurisdiction of local planning agencies in the territory outside the three cities be enacted. The Commission's Subcommittee on the Baltimore-Washington-Annapolis Area at a meeting early in 1938 determined to concentrate its attentions largely on this recommendation especially in view of the approaching session of the General Assembly early in 1939.

### Legislative Action

Through the cooperation of the National Capital Park and Planning Commission, the services of Mr. Alfred Bettman, nationally distinguished in the field of planning law, were obtained. Mr. Bettman reviewed all existing planning and zoning legislation affecting the Area and determined the essential modifications and additions necessary to accomplish the objectives stated in the above mentioned report. As a result of questions arising in this connection the Subcommittee, after thorough deliberation, made the following basic determinations:

1. Inasmuch as the past operations of the Maryland-National Capital Park and Planning Commission in the Metropolitan District surrounding the District of Columbia in Montgomery and Prince George's Counties appeared to evidence the feasibility of joint county



administration of planning and zoning in suburban metropolitan areas it was concluded that the B-W-A intercity area be treated on the basis of three similar districts, each adjacent to one of the three cities but with common boundary lines so as to cover the whole area.

2. As three of the five counties involved were expressly exempted from the 1933 general planning enabling act and in view of certain conflicts between this act and the acts affecting the Maryland-National Capitol Park and Planning Commission, it was determined that new legislation for each of the three local areas would be necessary.

3. That such new legislation should be largely patterned after the Maryland-National Capital Park and Planning Commission Acts, especially since this was the only operating planning commission outside of the three cities and involved a combination of parts of counties such as was desired for the recommended subdivision of the B-W-A Area for this purpose.

The subdivision of the Area proposed in the report involved extension of the Maryland-Washington Metropolitan District to the Montgomery-Howard and Prince George's-Anne Arundel county lines; the establishment of a new district comprising the southern part of Baltimore County, the eastern part of Howard County, and the northern part of Anne Arundel County; and the separate treatment of the balance of Anne Arundel County.

Outlines of appropriate legislation for each of the three districts were prepared. These were turned over to local groups in each district for refinement and final drafting.



In the case of the portion of the Area adjacent to Washington, the Maryland-National Capital Park and Planning Commission, with the cooperation of the National Capital Park and Planning Commission, undertook the task of drafting the necessary legislation to extend the Area under its jurisdiction. The existing acts under which this Commission operated provided for park acquisition and development in addition to planning and zoning powers. Because of their experience in litigation in either of these separate phases threatening continued activity in the other, the Commission determined to separate its park and other powers. Accordingly, the new legislation was drawn to repeal existing planning, zoning, and relating powers, and reenact them with certain desirable improvements as a separate measure. The resulting bill drafted by Mr. Bettman therefore provided an excellent model for adaption to the other portions of the Area when the park powers were not now desired. The bill establishing the new Maryland-Washington Regional District was then introduced by the Montgomery and Prince George's County Delegations in the House of Delegates on March 9, 1939 at the request of the Maryland-National Capital Park and Planning Commission. The measure was designated as House Bill 539 and referred to the joint county delegation by whom it was subsequently reported favorably with amendments and in due course passed the House on March 31. After further amendment in the Senate, subsequently concurred in by the House, it was passed by the Senate on April 1, assigned Chapter No. 714, and finally enacted when signed by Governor O'Connor on March 24.

The recommendations regarding the Annapolis-Anne Arundel County portion of the Area were referred to a special local committee appointed by the Chairman of the State Planning Commission upon the recommendation of





Chairman of the B-W-A Area Subcommittee. This special committee after reviewing the recommendations proceeded to retain Mr. Bettman to draft an appropriate bill for this district. At the Committee's request, the bill was introduced in the House of Delegates by the Anne Arundel County Delegation on March 22 and referred to the same Delegation by whom it was subsequently reported favorably with amendments. In due course the bill passed the House and Senate, was assigned Chapter No. 633, and was signed by Governor O'Connor on May 24. It carries a referendum provision so that it will not be effective unless ratified by the voters of Anne Arundel County at the November 1940 election. In the legislative process the District in which the Act would be effective was extended to cover the entire county.

The proposal regarding a tri-county operation in the Baltimore Metropolitan portion of the Area was referred to the County Commissioners of Baltimore, Howard, and Anne Arundel Counties and discussed with the Chairman of the State Planning Commission on January 13, 1939. At that time, the County Commissioners of Baltimore County had already taken steps in the development of a zoning enabling act for the Metropolitan District of Baltimore County but nevertheless agreed to review the recommendations carefully. The Commissioners of Howard and Anne Arundel counties later indicated that they did not wish to join in the enterprise at this time. Therefore, when the Baltimore County Commissioners' zoning enabling act was introduced in the Legislature, it was determined inadvisable to project the tri-county proposal any further at this time and possibly thereby hazard the passage of the Baltimore County act which, if enacted, would provide a substantial phase of needed protection to a very large majority of the property values involved in the tri-county area. The original Baltimore County Metropolitan





District zoning enabling act introduced in the Legislature on February 21, identified as House Bill 339, met with irreconcilable differences in the two houses of the Legislature. A substitute measure was therefore introduced in the House of Delegates by the Baltimore County Delegation on March 30, 1939 and designated as House Bill 881. It was referred to the Baltimore County Delegation by whom it was subsequently reported favorably without amendments and in due course it passed the House and Senate, was assigned Chapter No. 715, and was finally enacted when signed by Governor O'Connor on May 17.

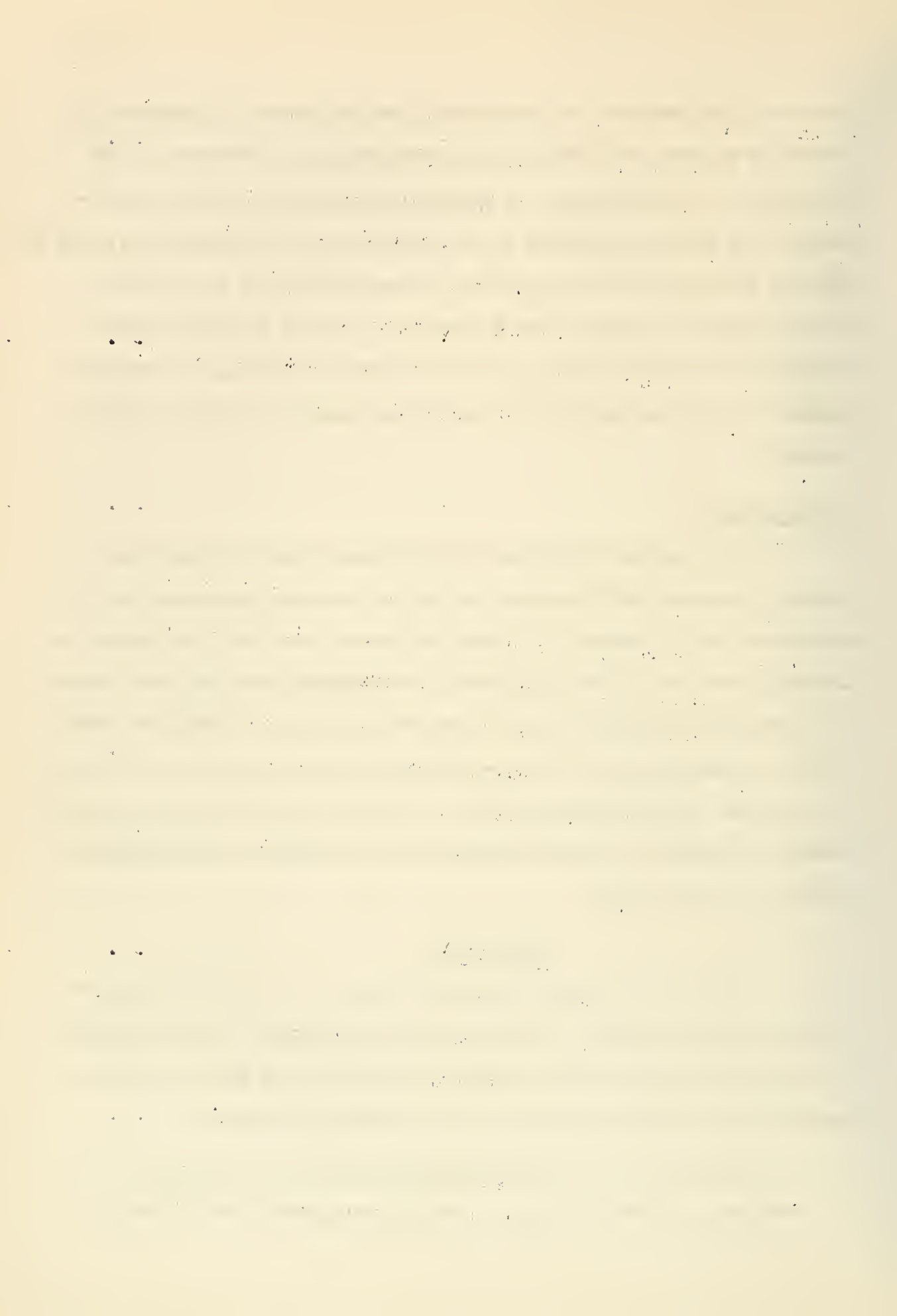
#### Accomplishments

The detailed provisions of these measures are so numerous and extensive that only brief comments on the most pertinent provisions will be made here. In this respect, it should be realized that this legislation was drafted, introduced in the Legislature, and modified therein by local groups and thorough familiarity with all of the provisions has not yet been established. An early meeting of the B-W-A Area Subcommittee has been called for this purpose. A more detailed report on the provisions of the Acts is being tentatively proposed by this Subcommittee and no attempt to duplicate this effort will be made here.

#### Chapter 714

This Act which became effective upon the date of its passage provides briefly as follows: As previously explained, many of these provisions were already in force but were repealed and reenacted by this Act and are mentioned here primarily because of their comprehensive scope.

1. The creation of the Maryland-Washington Regional District in Montgomery and Prince George's Counties contiguous to the District



of Columbia, being an extension of the former Maryland-Washington Metropolitan District but not to the extent proposed in the B-W-A Area report; this new District to be under the jurisdiction of the existing Maryland-National Capital Park and Planning Commission.

2. That the Commission is authorized and empowered to make and adopt and, from time to time, amend, extend, or add to a general plan for the physical development of the District.

3. That after a major road plan is adopted no public land acquisition or building or public or private utility shall be authorized unless the essential features thereof have been submitted to and approved by the Commission with the reservation that any disapproval may be overruled at the discretion of the affected agency.

4. That the Commission is empowered to establish regulations for the subdivision of land in the District and that no plat of any such subdivision shall be admitted to the land records of either county until the same has been approved by the Commission.

5. That no road development or utilities therein be authorized without approval of the Commission with the reservation that any disapproval may be overruled by a majority vote of the affected agency.

6. That no permit for the erection of any building on a lot not having access to an established public road be issued.



7. That the Boards of County Commissioners of Montgomery and Prince George's Counties as separate District Councils for the portions of the District in each County, may adopt zoning regulations as recommended by the Commission regulating the location, height, bulk, and size of structures, building lines, sizes of lots and portions that may be occupied, and location and uses of land and structures for various purposes.

8. That a Board of Zoning Appeals for each County be appointed to hear appeals from anyone aggrieved by the administration of the zoning regulations, to grant special exceptions, to make interpretations, and to allow variances.

9. That use and occupancy and building permits be obtained before construction or alteration of any structure, except those used exclusively for agriculture, under penalty for misdemeanor.

10. That there shall be levied in the portion of the District in each County, a tax of three cents per hundred dollars for the administrative expenses of the Commission.

#### Chapter 633

This Act which carries a referendum provision requiring ratification of the voters of Anne Arundel County at the November 1940 election before becoming effective provides briefly as follows:

1. That all of Anne Arundel County shall for the purposes of this Act be known as the Anne Arundel County District.
2. Establishment of the Anne Arundel County Planning Commission composed of appointees of the governing bodies of Anne Arundel



County and the City of Annapolis who shall serve without compensation except limited reimbursement for incidental expenses.

3. That the Commission is authorized and empowered to make and adopt and, from time to time, amend, extend, add to or carry into greater detail a general plan for the physical development of the District.

4. That after a major road plan is adopted, no public land acquisition or building or public or private utility shall be authorized unless the essential features thereof have been submitted to and approved by the Commission with the reservation that any disapproval may be overruled by a two-thirds vote of the affected agency.

5. That the Commission is empowered to establish regulations for the subdivision of land in the District and that no plat of any such subdivision shall be admitted to the land records of the County until approved by the Commission.

6. That the Board of County Commissioners of Anne Arundel County and the Mayor, Counselor, and Alderman of the City of Annapolis, acting jointly as District Council may adopt zoning regulations for the location, height, bulk, and size of structures, percentages of lots that may be occupied, and location and uses of land and structures for various purposes.

7. That a Board of Zoning Appeals be appointed to hear appeals from anyone aggrieved by the administration of the zoning regulations, to grant special exceptions, to make interpretations, and to allow variances.







8. That use and occupancy and building permits be obtained before construction or alteration of any structure, except those used exclusively for agriculture, under penalty for misdemeanor.

9. That the Commission shall make an Official Map of the District showing existing legal roads and the lines of platted roads subsequently sanctioned by the Commission, within all of which road lines no structure shall be erected except under certain special circumstances.

#### Chapter 715

This act for zoning in the Baltimore County Metropolitan (Water and Sewerage) District provides briefly as follows:

1. That the County Commissioners of Baltimore County are empowered to establish residence areas within the District and regulate the location and use of structures and land for various purposes therein..
2. Appeals from the decisions of the County Commissioners of Baltimore County with respect to this act shall be made to the Circuit Court for Baltimore County.
3. Violations are made misdemeanors punishable by fine or imprisonment or both.

#### Chapter 517

The provisions of this Act although not directly tied to the above nor comparable to the other planning acts in the B-W-A Area are nevertheless pertinent to proper land use control and are therefore cited here. These provisions with the exception of the penalty have been on the statute books for sometime with respect to an old street planning

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area comprising a strip three miles wide surrounding Baltimore City. This act makes the provisions applicable to the Baltimore County Metropolitan District. They are:

1. A general road plan for the Metropolitan District shall be prepared by the County Roads Engineer and adopted by the Board of County Commissioners following which no road shall be built nor water or sewerage facilities installed therein except in accordance with such plan and with the approval of the County Roads Engineer and the Chief Sanitary Engineer of the Metropolitan District.
2. Any violation shall be a misdemeanor punishable by fine of from \$500 to \$2,500 with each day's unauthorized work constituting a separate offense.

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#### PUBLIC HEALTH ADMINISTRATION

Chapter 72 - Relating to the Composition of the State Board of Health and the Appointment of the Director of Health.

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#### Background

In the report entitled "Public Health Administration in Maryland" published by the Maryland State Planning Commission in April 1938, it was recommended, among other things, by the subcommittee appointed to review the report that the State Board of Health remain as it was at that time

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constituted with the proviso that the Director of Health be appointed by the Board as its Executive Officer to hold office as long as he performs his duties in a competent manner.

This recommendation was adopted by the Governor's Committee on the Structure of the Maryland State Government in its report of December 31, 1938.

#### Legislative Action

A bill incorporating this recommendation with certain other revisions in the composition of the State Board of Health was introduced in the Senate as one of the early Administration measures. It was designated Senate Bill No. 39 and referred to the Committee on Sanitary Conditions of the State by whom it was subsequently reported favorably without amendments. In due course it was passed by the Senate and House, was assigned Chapter No. 72, and was finally enacted when signed by Governor O'Connor on April 26.

#### Accomplishments

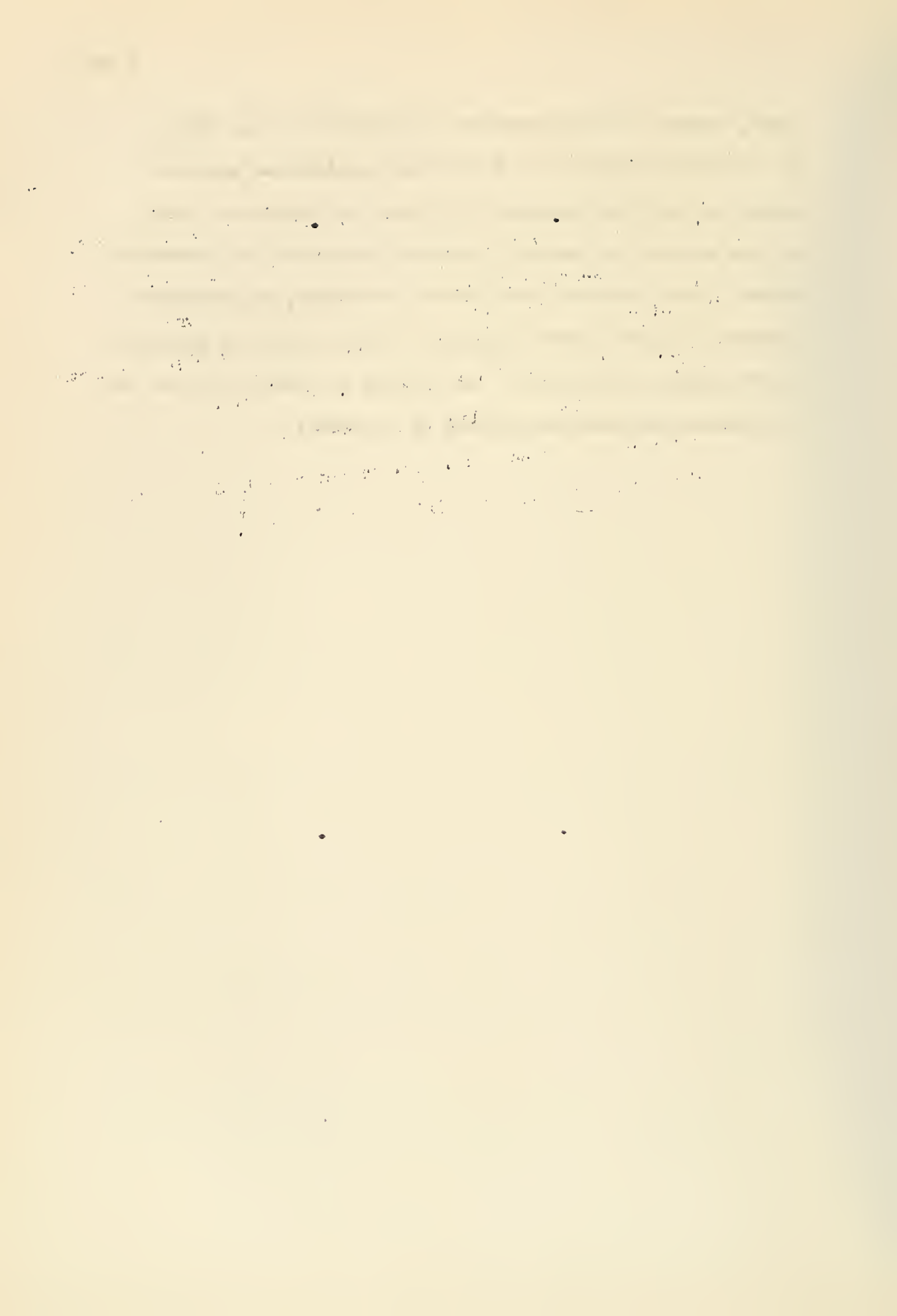
The Act which became effective June 1, 1939 provides briefly as follows:

1. The composition of the State Board of Health shall be changed to include among others one member who shall be an experienced Doctor of Dental Surgery, three instead of four members who shall be experienced physicians, and the Director of Health appointed as hereinafter provided.
2. The basis of appointments to the Board is revised to provide that two members will be appointed every two years for six year.



terms, thereby providing rotation in membership of the Board.

3. The present Director of Health shall continue as such and become an ex-officio member of the Board and continue to serve in that capacity as long as he performs his duties in a competent manner. Upon his death, resignation, or removal, an experienced physician skilled in public health and hygiene shall be appointed by the Board to succeed him. The Director of Health shall act as the Chairman and Executive Officer of the Board.





### PART III

#### OTHER ACTS OF A PLANNING NATURE OR HAVING PLANNING IMPLICATIONS

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#### LEGISLATIVE

##### Chapter 62 - Establishing a Legislative Council

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Organizations composed of members of the Legislature to develop a legislative program during the long intervals between legislative sessions have been in operation in other states for several years.

In view of the rapid spread in adoption of the idea and the need for some knowledge of the experiences in states having such councils in order to determine the advisability and best provisions for such a council in Maryland, the State Planning Commission requested Mr. Leon Sachs of the Johns Hopkins University to make an investigation of the matter. With the aid of several graduate students of the Departments of Political Science and History of the University, all published material on the subject was reviewed and questionnaires requesting unpublished factual data and personal opinions were sent to governors, legislators, and members and research directors of the councils in such states.

Before completion of the study, the establishment of a legislative council in Maryland was advocated by the Democratic party, Governor O'Connor, his Committee on the Structure of the Maryland State Government, the Junior Association of Commerce, and several private organizations. Meanwhile, the State Planning Commission Study was completed and an advance copy of the report thereon was sent to the Governor at his request. Shortly

CHAPTER II

THEORY OF THE EARTH AND ITS HISTORY

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thereafter bills providing for the establishment of such a council for Maryland were introduced in both houses of the Legislature. While these were under consideration, publication of the State Planning Commission Report was completed and copies were made available to the Governor, every member of the Legislature, and other interested parties.

The Senate Bill, No. 5, after amendment in both houses was passed, assigned Chapter No. 62, and finally enacted when signed by Governor O'Connor on April 26. The Act became effective on that date, but the appropriation for the operation of the Council apparently will not be available until the beginning of the next fiscal year on October 1, 1939.

The following membership of the Council was established by the General Assembly before adjournment:

From the Senate:

President Arthur Brice

Emanuel Gorfine, Chairman of the Judicial Proceedings  
Committee

Dudley G. Roe, Chairman of the Finance Committee

Wilmer Fell Davis, Floor Leader of the minority party

A. Earl Shipley

Philip H. Dorsey, Jr.

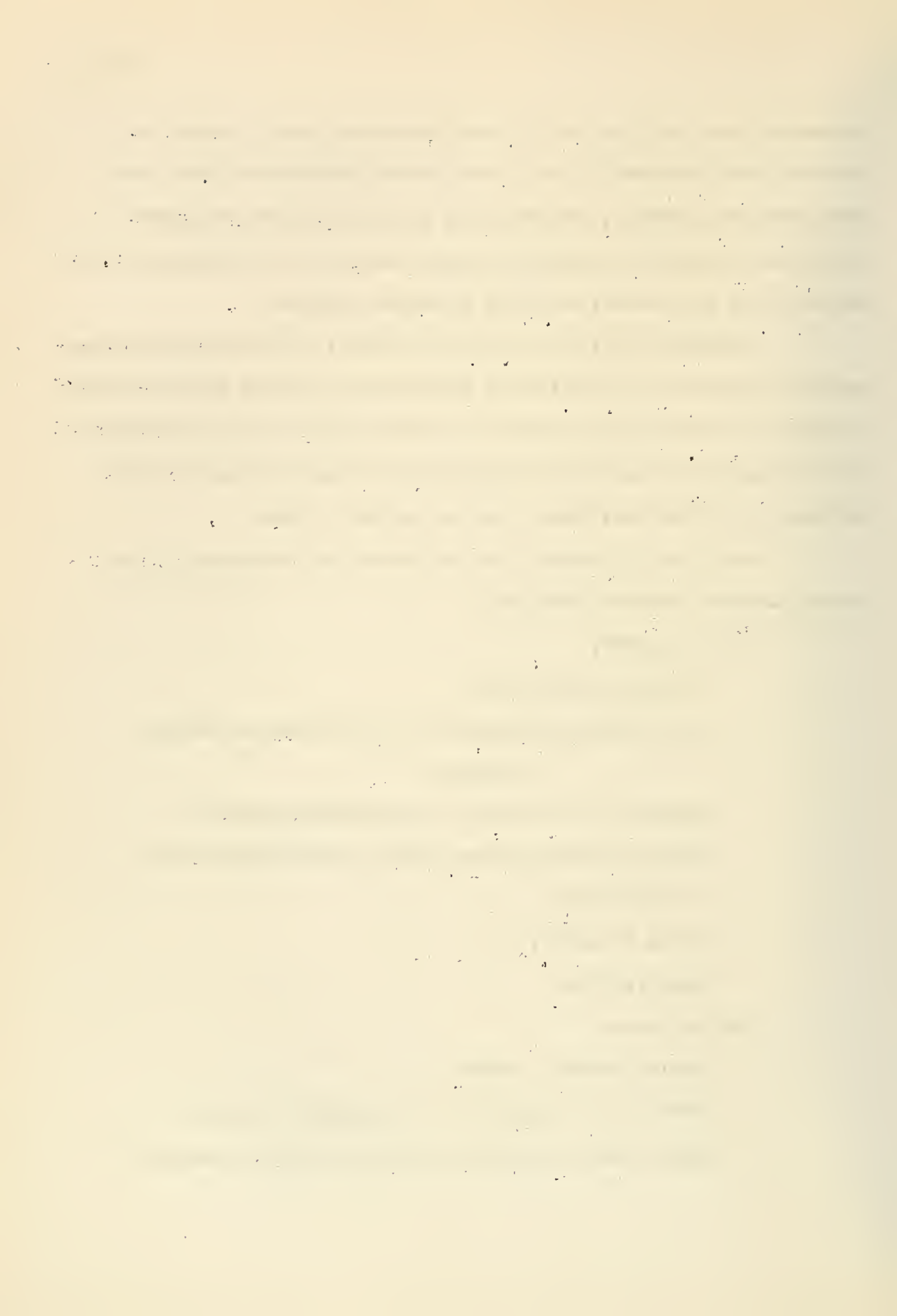
Frank J. Flynn

From the House:

Speaker Thomas E. Conlon

Milton Tolle, Chairman of the Judiciary Committee

John S. White, Chairman of the Ways and Means Committee



J. Milton Dick, Floor Leader of the minority party

Paul L. Cordish

James B. Monroe

Walter Locke

This representation as provided for in the Act is not as large as that recommended in the State Planning Commission Report. Because of the large turnover in membership in the Maryland Legislature in which the percentage of inexperienced legislators has ranged from fifty-eight to seventy-three percent during the last eighteen years, the Report recommended, in the preferred of two plans, that the Council be composed of twenty-five members. It was felt that in this way a more reasonable number of the members of the Council would be available to explain and support the Council's recommendations in the following session of the Legislature.

The Act provides that the Council shall collect information concerning the State, examine existing law and recommend amendments thereto, study and recommend changes in legislative procedure, supervise the work of interim committees of the legislature, and prepare a legislative program for the next session of the General Assembly. The Director of the Department of Legislative Reference is made the Secretary and Director of Research of the Council and provision is made for expert and clerical assistance.

The Council may receive suggestions for legislation or investigation, study and report on such as it deems worthy of consideration, appoint committees to assist it, hold hearings, and make recommendations and prepare appropriate bills for carrying out the same. The facilities of the Council and those of other State agencies are made mutually available.

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INTERSTATE COOPERATION

Chapter 320 - Providing for Participation in the  
Interstate Commission on the Potomac River Basin,  
Establishment of the Potomac Valley Conservancy  
District, and Abatement of Pollution Therein.

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This Act providing for Maryland participation in an Interstate Commission on the Potomac River Basin for the control and abatement of pollution in the Potomac River is the result of the continuous deliberations of representatives of the several states concerned in the matter since 1936. Through the activities of a Potomac Valley Joint Conference on River Pollution beginning early in 1937, a joint resolution permitting the several states and the District of Columbia to enter into an interstate compact was adopted by Congress. Later with the assistance of a consulting engineer assigned by the National Resources Committee, a tentative compact was drafted and adopted by the conference representatives of the several states. At a special meeting called by the Council of State Governments on March 6, 1939 at which quite a number of Maryland legislators were present, the compact was finally revised and preparations made for introduction of acts in the several state legislatures for adoption thereof.

Bills providing for adoption of the compact were introduced in both houses of the Maryland Legislature and passed. The Senate Bill, No. 313, later assigned Chapter 320, was finally enacted when signed by Governor O'Connor on May 3, 1939. The provisions of this Act are briefly as follows:







1. The Governor and two residents of the Potomac River Drainage Basin appointed by the Governor shall act jointly with similar commissions appointed by Pennsylvania, Virginia, West Virginia, and the District of Columbia, and three members appointed by the President of the United States as the Interstate Commission on the Potomac River Basin. The Commissioners shall serve without compensation except reimbursement for certain expenses incurred. The State shall contribute such sums as may be appropriated in the State Budget as its pro rata share of the expenses of the Commission and not less than \$3,000 per year for the next two years.
2. The Governor is authorized to execute a compact in form substantially as recited in the Act, the salient features of which are:
  - a. The Commission shall assemble and report on data regarding pollution in the District.
  - b. To cooperate with the signatory bodies and other parties in promoting uniform laws, rules, or regulations for the abatement and control of pollution in the District.
  - c. To recommend the signatory bodies reasonable minimum standards for the treatment of sewage and industrial or other wastes discharged into the streams of the District and for the cleanliness of such streams.
  - d. Funds for financing the Commission shall be provided by the signatory bodies and the United States on the basis of such factors as population, the amount of industrial and domestic pollution, and a flat service charge as periodically determined by the Commission and approved by



the signatory bodies in an aggregate amount not exceeding \$30,000 per year.

e. The compact shall be effective upon ratification by a majority of the legislatures of Maryland, Pennsylvania, Virginia, and West Virginia, by the Commissioners of the District of Columbia, and approval by the Congress of the United States.

The Maryland Act which became effective June 1, 1939 makes Maryland the first state to adopt the Compact.

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#### HIGHWAY PLANNING

Chapter 346 - Authorizing Appropriation of \$40,000 from the Maintenance and Reconstruction Fund of the State Roads Commission for Continuing and Completing the Maryland State-wide Highway Planning Survey.

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This Survey was begun in August 1936 as a cooperative enterprise of the Maryland State Roads Commission and the United States Bureau of Public Roads. Maryland was one of the first states to join the enterprise and similar surveys have been undertaken in forty-six states.

The objectives of the Survey, as concisely stated in the preliminary report thereon of last year, are ".... to determine the present state of the highways, the volume, kind and distribution of traffic, the adequacy of existing highways and bridges, the annual cost of adequate



highways, the extent of use of the various systems by motor vehicle owners in different categories, and the sources and uses of available highway funds, all to the end that a justifiable program of future highway improvement may be developed." At the time of the report the field work had been completed and the compilation thereof nearly finished. Study and analysis of these data and preparation of a plan remained to be done.

The Act which became effective when signed by Governor O'Connor on May 11 provides that the State Roads Commission is authorized to expend from its Maintenance and Reconstruction Fund a sum not to exceed \$40,000 for continuing and completing the Survey and that the Commission is authorized to participate in and accept any Federal funds made available for the purpose.

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#### QUALIFICATION OF ENGINEERS AND SURVEYORS

Chapter 752 - Relating to the State Board of Registration  
for Professional Engineers and Land Surveyors.

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This Act is not cited here as a planning measure but rather because of its prospective significance in connection with Chapter No. 628 establishing the Maryland Coordinate System. The Act which became effective June 1, 1939 provides briefly as follows:

1. That in order to safeguard life, health, and property and promote public welfare, only qualified persons shall hold themselves out as professional engineers or land surveyors after



due registration with a State Board.

2. The State Board of Registration for Professional Engineers and Land Surveyors shall consist of five persons appointed by the Governor from nominees recommended by certain specified engineering societies and shall consist of at least one civil engineer, one mechanical engineer, one electrical engineer, and one chemical engineer.

3. Minimum educational and experience requirements for qualification as a professional engineer or land surveyor or both are specified in the Act together with provisions for the Board to hold appropriate examinations. Certain registration fees are required.

4. Each registrant shall obtain a seal which shall be applied to plans, specifications, plats, and reports approved by the registrant.

5. The Act shall not be construed to require employment of the services of a registered professional engineer or land surveyor.

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#### LOCAL PARK AND PARKWAY FINANCING

Chapter 133 - Authorizing \$75,000 Montgomery County Bond Issue for the Kensington Parkway.

Chapter 134 - Authorizing \$50,000 Montgomery County Bond Issue for the Bethesda-Chevy Chase Recreation Center.

Chapter 136 - Authorizing \$150,000 Montgomery County Bond Issue for the George Washington Memorial Parkway.







Chapter 658 - Revising Composition of the Maryland-National Capital Park and Planning Commission and Authorizing Issuance of Temporary Tax Anticipation Certificates of Indebtedness for Park and Parkway Purposes in Montgomery County.

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These Acts though not planning measures are mentioned here because of their significance with respect to execution of the park and parkway plans of the Maryland-National Capital Park and Planning Commission in Montgomery County.

#### Chapter 133

This Act provides that the Board of County Commissioners of Montgomery County may issue 20-year bonds in the amount of \$75,000 for the purpose of paying the State Roads Commission to construct a concrete or macadam roadway through the Kensington Parkway or in the case of refusal of the State Roads Commission, to construct the same themselves. Principal and interest on the bonds are to be paid from a levy of taxes upon property in the Maryland-Washington District in Montgomery County or, in the case of insufficiency thereof, upon the whole of Montgomery County. Any balance of the bond proceeds after construction of the roadway and certain other expenses are to be paid over to the Maryland-National Capital Park and Planning Commission for general park purposes in the District.

#### Chapter 134

This Act authorizes the Board of County Commissioners to issue 60-year bonds in the aggregate amount of \$30,000 to be paid over to the

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Maryland-National Capital Park and Planning Commission for the improvement, development, maintenance, and operation of the Bethesda-Chevy Chase recreation center in Montgomery County. Any remaining funds are to be paid over to the Maryland-National Capital Park and Planning Commission for general park purposes in the ~~Montgomery~~ County portion of the District. The principal and interest on the bonds are to be paid from a levy of taxes in the District in Montgomery County and, in the case of insufficiency thereof, from a general levy throughout the County.

#### Chapter 136

This Act authorizes the Board of County Commissioners of Montgomery County to issue \$150,000 of 60-year bonds for the purposes of paying over to the Maryland-National Capital Park and Planning Commission and in turn to the National Capital Park and Planning Commission for the acquisition of that portion of the George Washington Memorial Parkway within the District in Montgomery County. Any remaining funds are to be paid over to the Maryland-National Capital Park and Planning Commission for general park purposes in the Montgomery County portion of the District. The principal and interest on the bonds are to be paid from a tax levy on property in the portion of the District in Montgomery County, and in the case of insufficiency thereof, from a general levy upon the entire County.

(By authority of public act No. 284 of the 71st Congress, the Capper-Cranton Act, the Federal Government may match the proceeds of this bond issue in like amount for the acquisition of land for this Parkway as a cooperative enterprise.)



Chapter 658

This Act makes it unnecessary that the Chairman of the Washington Suburban Sanitary Commission be ex-officio a member of the Maryland-National Capital Park and Planning Commission and provides for overlapping terms of membership of six years and certain other incidental changes to the existing laws in this respect. The Act further authorizes the Commission to borrow money from time to time on promissory notes to be known as Tax Anticipation Certificates of Indebtedness at not exceeding 6% interest providing that the total amount so borrowed and outstanding in any fiscal year shall not exceed 75% of the proceeds of the taxes levied and collected in the preceding fiscal year in Montgomery County for park purposes.

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LOCAL ZONING AND LAND USE CONTROL MEASURES

Chapter 34 - Elkton, Regulating Location and Character of Outdoor Advertising Matter and Requiring Fees for Certain Licenses.

Chapter 324 - Aberdeen, Regulating Location and Character of Structures and Outdoor Advertising Matter.

Chapter 443 - Bel Air, Regulating Location and Character of Structures and Outdoor Advertising Matter.

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Chapter 34

This Act revises the zoning authority of the President and Commissioners of the Town of Elkton to provide that they may determine the



location, size and nature of any outdoor advertising matter and require permits for the erection of such matter and for carrying on business for profit under penalty of fine or imprisonment for violations.

#### Chapter 324

This Act provides that the Commissioners of the Town of Aberdeen shall have the authority to zone the town and prescribe rules and regulations relating to the character of buildings to be constructed therein and requires that permits for such structures be obtained. The Act also authorizes the Commissioners to determine the location, size, and character of outdoor advertising matter and require permits for the erection thereof under penalty of fine or imprisonment for violations; also to pass appropriate ordinances for protecting the property of the inhabitants of the town against fire hazards.

#### Chapter 443

This Act provides that the Commissioners of the Town of Bel Air shall have the authority to zone the town and prescribe rules and regulations relating to the character of buildings to be constructed therein and requires permits for such structures be obtained. The Act also authorizes the Commissioners to determine the location, size, and character of outdoor advertising matter and require permits for the erection thereof under penalty of fine or imprisonment for violations; also to pass appropriate ordinances for protecting the property of the inhabitants of the town against fire hazards.









